

REDACTED

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Newport News Division

UNITED STATES OF AMERICA)	CRIMINAL NO. 4:05CR_____
)	
v.)	21 U. S. C. § 846
)	Conspiracy to Possess with Intent to
MARK ETHAN BUSH,)	Distribute, and to Distribute, Cocaine,
(Counts 1, 21, 23-24, 26, 28, 30, 32, 34, 36-)	Marijuana, Psilocybin, and Psilocin
37, 39-40))	(Count 1)
HARBOR EICHHORN MILES,)	
(Count 1))	21 U.S.C. § 856(a)
JAMES WALTON DAVIDSON,)	Maintaining Drug-Involved Premises
a/k/a "Jimbo,")	(Counts 2, 7, 13, 42, 47)
(Counts 1, 19-20, 46, 52, 54, 56-58, 60-61))	
BRIAN KENNETH KEMPTON,)	21 U.S.C. § 841(a)(1) and (b)(1)(D)
a/k/a "Kenny,")	Possession with Intent to Distribute Marijuana
(Counts 1, 6, 11-12, 17-18, 22, 25, 27, 29,)	(Counts 3-4, 8-11, 14-17, 20, 43-45, 48-51,
31, 33, 35, 38, 41, 45, 50, 53))	55)
EDWARD CHO LEE,)	
(Counts 1, 51, 55, 59))	21 U.S.C. § 841(a)(1) and (b)(1)(C)
JOSEPH TY GRASS,)	Possession with Intent to Distribute Cocaine
(Counts 1, 4-5, 9, 15))	(Counts 5-6, 12, 18, 59)
JEFFREY WAYNE CARROLL,)	
a/k/a "Jeffro,")	21 U.S.C. § 841(a)(1) and (b)(1)(B)
(Counts 1-2, 7, 13, 42, 47))	Possession with Intent to Distribute Cocaine
WILLIAM LEE MILLER, and)	(Count 19)
(Counts 1, 10, 16, 44, 49))	
BURT ANDERSON GRIMSLEY, JR.)	21 U.S.C. § 841(a)(1) and (b)(1)(C)
(Counts 1, 3, 8, 14, 43, 48))	Distribution of Psilocybin and Psilocin
)	(Counts 21, 24, 26, 28, 30, 32, 34, 37, 40)
)	
)	21 U.S.C. § 841(a)(1) and (b)(1)(C)
)	Possession with Intent to Distribute
)	Psilocybin
)	and Psilocin
)	(Counts 22, 25, 27, 29, 31, 33, 35, 38, 41)
)	
)	21 U.S.C. § 841(a)(1) and (b)(1)(D)
)	Distribution of Marijuana
)	(Counts 23, 36, 39, 53)

) 21 U.S.C. § 841(a)(1) and (b)(1)(C)
) Distribution of Cocaine
) (Counts 52, 54, 56, 58, 60)
)
) 18 U.S.C. § 924(c)
) Using and Carrying a Firearm During, and
) Possession of a Firearm in Furtherance of, a
) Drug Trafficking Crime
) (Counts 46, 57, 61)
)
) 21 U.S.C. § 853
) Forfeiture

INDICTMENT

October 2005 Term - Newport News, Virginia

COUNT ONE

THE GRAND JURY CHARGES THAT:

From in or about October 2000 and continuously thereafter up to and including the date of the return of this indictment, in the Eastern District of Virginia and elsewhere, the defendants, MARK ETHAN BUSH, HARBOR EICHHORN MILES, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” BRIAN KENNETH KEMPTON, a/k/a “Kenny,” EDWARD CHO LEE, JOSEPH TY GRASS, JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” WILLIAM LEE MILLER, and BURT ANDERSON GRIMSLEY, JR., did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree with each other and with other persons known and unknown to the grand jury to commit the following offenses:

1. To unlawfully, knowingly, and intentionally possess with the intent to distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, a Schedule II controlled substance, in violation

of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2;

2. To unlawfully, knowingly, and intentionally distribute five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A), and Title 18, United States Code, Section 2;

3. To unlawfully, knowingly, and intentionally possess with the intent to distribute one hundred (100) kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2;

4. To unlawfully, knowingly, and intentionally distribute one hundred (100) kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2;

5. To unlawfully, knowingly, and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2; and

6. To unlawfully, knowingly, and intentionally distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances, in violation of Title

21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

WAYS, MANNER, AND MEANS TO ACCOMPLISH THE CONSPIRACY

1. It was part of the conspiracy that the defendants and uncharged coconspirators would, and did, play different roles, take upon themselves different tasks, and participate in the affairs of the conspiracy through various criminal acts. The defendants and uncharged coconspirators would, and did, make themselves and their services available at various times throughout the conspiracy and would, and did, participate in cocaine, marijuana, and psilocybin and psilocin distribution ventures.

2. It was further a part of the said conspiracy that the defendants and uncharged coconspirators would, and did, derive substantial gross receipts from their unlawful activities.

3. It was further a part of the said conspiracy that the defendants and uncharged coconspirators would, and did, possess quantities of cocaine, a Schedule II controlled substance, and quantities of marijuana, psilocybin, and psilocin, Schedule I controlled substances, with intent to distribute in the Eastern District of Virginia and elsewhere.

4. It was further a part of the conspiracy that the defendants and uncharged coconspirators would, and did, supply and furnish to each other and other coconspirators cocaine, a Schedule II controlled substance, and marijuana, psilocybin, and psilocin, Schedule I controlled substances, for distribution on a consignment and a cash basis.

5. It was further a part of the said conspiracy that the defendants and uncharged coconspirators would, and did, transport, and facilitate the transportation of, cocaine, a Schedule II controlled substance, and marijuana, psilocybin, and psilocin, Schedule I controlled substances, for

the purpose of distribution.

6. It was further a part of the said conspiracy that the defendants and uncharged coconspirators would, and did, meet at various times and locations within the Eastern District of Virginia and elsewhere to exchange packages of cocaine, a Schedule II controlled substance, and packages of marijuana, psilocybin, and psilocin, Schedule I controlled substances, for money and services to the conspiracy.

7. It was further a part of the conspiracy that the defendants and uncharged coconspirators would, and did, use telephones to communicate with each other in order to facilitate the distribution of, and the possession with the intent to distribute, cocaine, a Schedule II controlled substance, and marijuana, psilocybin, and psilocin, Schedule I controlled substances.

8. It was further a part of the conspiracy that, during the term of the conspiracy, the defendants and uncharged coconspirators would, and did, use various houses, apartments, and hotels in Newport News, in the Eastern District of Virginia, to cut, package, and distribute cocaine, marijuana, psilocybin, and psilocin, and to receive, store, and package money.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the defendants, MARK ETHAN BUSH, HARBOR EICHHORN MILES, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” BRIAN KENNETH KEMPTON, a/k/a “Kenny,” EDWARD CHO LEE, JOSEPH TY GRASS, JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” WILLIAM LEE MILLER, and BURT ANDERSON GRIMSLEY, JR., and other uncharged coconspirators, committed overt acts in the Eastern District of Virginia and elsewhere, including, but not limited to, the following:

1. In or about October 2000, defendant JOSEPH TY GRASS and other coconspirators

traveled from the Eastern District of Virginia to California in order to purchase from defendant MARK ETHAN BUSH approximately four (4) pounds of marijuana for redistribution and resale to other persons in the Eastern District of Virginia.

2. In or about November 2000, defendant JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” maintained a place at XXXXXXXXXXXX, Newport News, Virginia, for the purpose of storing and distributing approximately 200 pounds of marijuana in the Eastern District of Virginia.

3. In or about December 2000, in the Eastern District of Virginia, defendant BURT ANDERSON GRIMSLEY, JR., possessed with intent to distribute approximately ten (10) pounds of marijuana.

4. In or about January 2001, in the Eastern District of Virginia, defendant JOSEPH TY GRASS possessed with intent to distribute approximately ten (10) pounds of marijuana.

5. In or about January 2001, in the Eastern District of Virginia, defendant JOSEPH TY GRASS possessed with intent to distribute cocaine.

6. In or about January 2001, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute approximately four (4) ounces of cocaine.

7. In or about February 2001, defendant JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” maintained a place at XXXXXXXXXXXXXXXX, Newport News, Virginia, for the purpose of storing and distributing approximately 200 pounds of marijuana in the Eastern District of Virginia.

8. In or about February 2001, in the Eastern District of Virginia, defendant BURT ANDERSON GRIMSLEY, JR., possessed with intent to distribute approximately five (5) pounds of marijuana.

9. In or about February 2001, in the Eastern District of Virginia, defendant JOSEPH TY GRASS possessed with intent to distribute approximately ten (10) pounds of marijuana.

10. In or about February 2001, in the Eastern District of Virginia, defendant WILLIAM LEE MILLER possessed with intent to distribute approximately five (5) pounds of marijuana.

11. In or about February 2001, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a "Kenny," possessed with intent to distribute approximately five (5) pounds of marijuana.

12. In or about March 2001, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a "Kenny," possessed with intent to distribute approximately four (4) ounces of cocaine.

13. In or about May 2001, defendant JEFFREY WAYNE CARROLL, a/k/a "Jeffro," maintained a place at XXXXXXXXXXXX, Newport News, Virginia, for the purpose of storing and distributing approximately 200 pounds of marijuana in the Eastern District of Virginia.

14. In or about May 2001, in the Eastern District of Virginia, defendant BURT ANDERSON GRIMSLEY, JR., possessed with intent to distribute approximately five (5) pounds of marijuana.

15. In or about May 2001, in the Eastern District of Virginia, defendant JOSEPH TY GRASS possessed with intent to distribute approximately ten (10) pounds of marijuana.

16. In or about May 2001, in the Eastern District of Virginia, defendant WILLIAM LEE MILLER possessed with intent to distribute approximately five (5) pounds of marijuana.

17. In or about May 2001, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a "Kenny," possessed with intent to distribute approximately five (5) pounds of marijuana.

18. In or about June 2001, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute approximately nine (9) ounces of cocaine.

19. In or about June 2001, defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” possessed with intent to distribute approximately one (1) kilogram of cocaine and five (5) pounds of marijuana.

20. In or about fall 2001, defendant MARK ETHAN BUSH distributed approximately two (2) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

21. In or about fall 2001, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

22. In or about February 2002, defendant JOSEPH TY GRASS distributed marijuana and approximately one (1) ounce of cocaine.

23. In or about winter 2002, defendant MARK ETHAN BUSH distributed approximately five (5) pounds of marijuana.

24. In or about March 2002, defendant JOSEPH TY GRASS distributed marijuana and approximately one (1) ounce of cocaine.

25. In or about April 2002, defendant JOSEPH TY GRASS distributed marijuana and approximately one (1) ounce of cocaine.

26. In or about spring 2002, defendant MARK ETHAN BUSH distributed approximately four (4) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

27. In or about spring 2002, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

28. In or about summer 2002, defendant MARK ETHAN BUSH distributed approximately

four (4) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

29. In or about summer 2002, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

30. In or about fall 2002, defendant MARK ETHAN BUSH distributed approximately four (4) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

31. In or about fall 2002, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

32. In or about winter 2003, defendant MARK ETHAN BUSH distributed approximately four (4) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

33. In or about winter 2003, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

34. In or about spring 2003, defendant MARK ETHAN BUSH distributed approximately four (4) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

35. In or about spring 2003, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

36. In or about summer 2003, defendant MARK ETHAN BUSH distributed approximately four (4) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

37. In or about summer 2003, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

38. In or about summer 2003, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” distributed cocaine.

39. In or about September 2003, defendant HARBOR EICHHORN MILES distributed to

defendant MARK ETHAN BUSH approximately one (1) pound of marijuana.

40. In or about October 2003, defendant HARBOR EICHHORN MILES distributed to defendant MARK ETHAN BUSH approximately one (1) pound of marijuana.

41. In or about fall 2003, defendant MARK ETHAN BUSH distributed approximately ten (10) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

42. In or about fall 2003, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

43. In or about winter 2004, defendant MARK ETHAN BUSH distributed approximately ten (10) pounds of marijuana and eight (8) pounds of mushrooms containing psilocybin and psilocin.

44. In or about winter 2004, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute mushrooms containing psilocybin and psilocin.

45. In or about January 2004, defendants MARK ETHAN BUSH and HARBOR EICHHORN MILES and other coconspirators distributed approximately 230 pounds of marijuana in Arizona for redistribution and resale in the Eastern District of Virginia.

46. In or about February 2004, defendant JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” maintained a place at XXXXXXXXXXXX, Newport News, Virginia, for the purpose of storing and distributing approximately 200 pounds of marijuana in the Eastern District of Virginia.

47. In or about February 2004, in the Eastern District of Virginia, defendant BURT ANDERSON GRIMSLEY, JR., possessed with intent to distribute approximately five (5) pounds of marijuana.

48. In or about February 2004, in the Eastern District of Virginia, defendant WILLIAM LEE MILLER possessed with intent to distribute approximately five (5) pounds of marijuana.

49. In or about February 2004, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute approximately ten (10) pounds of marijuana.

50. In or about February 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” possessed with intent to distribute cocaine.

51. In or about April 2004, a coconspirator in the Eastern District of Virginia telephoned defendant MARK ETHAN BUSH to arrange another shipment of drugs into the Eastern District of Virginia.

52. In or about May 2004, defendants MARK ETHAN BUSH and HARBOR EICHHORN MILES and other coconspirators distributed approximately 230 pounds of marijuana for redistribution and resale in the Eastern District of Virginia.

53. In or about May 2004, defendant JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” maintained a place at XXXXXXXXXXXXXXX, Newport News, Virginia, for the purpose of storing and distributing approximately 200 pounds of marijuana in the Eastern District of Virginia.

54. In or about May 2004, in the Eastern District of Virginia, defendant BURT ANDERSON GRIMSLEY, JR., possessed with intent to distribute approximately five (5) pounds of marijuana.

55. In or about May 2004, in the Eastern District of Virginia, defendant WILLIAM LEE MILLER possessed with intent to distribute approximately five (5) pounds of marijuana.

56. In or about May 2004, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” possessed with intent to distribute approximately ten (10) pounds of marijuana.

57. In or about May 2004, in the Eastern District of Virginia, defendant EDWARD CHO

LEE possessed with intent to distribute approximately five (5) pounds of marijuana.

58. In or about May 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a "Jimbo," distributed approximately one-eighth (1/8) of an ounce of cocaine.

59. In or about spring 2004, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a "Kenny," distributed approximately one (1) pound of marijuana.

60. In or about June 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a "Jimbo," distributed approximately one-eighth (1/8) of an ounce of cocaine.

61. In or about June 2004, in the Eastern District of Virginia, defendant EDWARD CHO LEE possessed with intent to distribute approximately five (5) pounds of marijuana.

62. In or about July 2004, in the Eastern District of Virginia, defendant EDWARD CHO LEE possessed with intent to distribute approximately four (4) pounds of marijuana.

63. In or about July 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a "Jimbo," distributed approximately one (1) ounce of cocaine.

64. In or about July 2004, a coconspirator in the Eastern District of Virginia telephoned defendant MARK ETHAN BUSH to arrange another shipment of marijuana and cocaine into the Eastern District of Virginia.

65. In or about August 2004, in the Eastern District of Virginia, defendant EDWARD CHO LEE agreed with another coconspirator to distribute some of the cocaine.

66. In or about August 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a "Jimbo," distributed approximately one-eighth (1/8) of an ounce of cocaine.

67. In or about August 2004, defendants MARK ETHAN BUSH and HARBOR

EICHHORN MILES and other coconspirators distributed approximately 149 kilograms of marijuana and 19 kilograms of cocaine for redistribution and resale in the Eastern District of Virginia.

68. In or about August 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” agreed with another coconspirator to distribute one (1) kilogram of cocaine.

69. In or about August 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” distributed cocaine to defendant EDWARD CHO LEE for redistribution and resale.

70. In or about September 2004, in the Eastern District of Virginia, defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” distributed approximately one-eighth (1/8) of an ounce of cocaine.

71. In or about September 2004, in the Eastern District of Virginia, defendant WILLIAM LEE MILLER paid a portion of his debt for drugs purchased from a coconspirator.

72. In or about October 2004, in the Eastern District of Virginia, defendant BRIAN KENNETH KEMPTON, a/k/a “Kenny,” requested a coconspirator to supply him with four or five pounds of marijuana.

73. In or about July 2005, defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” watched the United States District Courthouse in Newport News through binoculars during the grand jury session, identified witnesses to the grand jury, and approached witnesses after they testified.

74. In or about August 2005, defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” with intent to hinder the communication to law enforcement officers of information relating to defendant DAVIDSON’s participation in this conspiracy and with intent to cause and induce another

person to withhold testimony from the grand jury, attempted to corruptly persuade that person not to testify truthfully before the grand jury and not to talk with law enforcement officers.

(All in violation of Title 21, United States Code, Section 846.)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

In or about November 2000, in the Eastern District of Virginia, the defendant, JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” did unlawfully, knowingly, and intentionally maintain a place at XXXXXXXXXXXX, Newport News, Virginia, for the purpose of distributing marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.)

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

In or about November 2000, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BURT ANDERSON GRIMSLEY, JR., did unlawfully, knowingly, and intentionally possess with intent to distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

In or about January 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JOSEPH TY GRASS, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about January 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JOSEPH TY GRASS, did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

In or about January 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately four (4) ounces of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2001, in the Eastern District of Virginia, the defendant, JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” did unlawfully, knowingly, and intentionally maintain a place at XXXXXXXXXXXXX, Newport News, Virginia, for the purpose of distributing marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.)

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BURT ANDERSON GRIMSLEY, JR., did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JOSEPH TY GRASS, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, WILLIAM LEE MILLER, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about March 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately four (4) ounces of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2001, in the Eastern District of Virginia, the defendant, JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” did unlawfully, knowingly, and intentionally maintain a place at XXXXXXXXXXXX, Newport News, Virginia, for the purpose of distributing marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.)

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BURT ANDERSON GRIMSLEY, JR., did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JOSEPH TY GRASS, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, WILLIAM LEE MILLER, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about June 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately nine (9) ounces of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about June 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately one (1) kilogram of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B).)

COUNT TWENTY

THE GRAND JURY FURTHER CHARGES THAT:

In or about June 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT TWENTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

In or about fall 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT TWENTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

In or about fall 2001, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT TWENTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

In or about winter 2002, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D), and Title 18, United States Code, Section 2.)

COUNT TWENTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

In or about spring 2002, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT TWENTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about spring 2002, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT TWENTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

In or about summer 2002, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT TWENTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about summer 2002, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT TWENTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

In or about fall 2002, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT TWENTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

In or about fall 2002, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT THIRTY

THE GRAND JURY FURTHER CHARGES THAT:

In or about winter 2003, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT THIRTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

In or about winter 2003, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT THIRTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

In or about spring 2003, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT THIRTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

In or about spring 2003, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT THIRTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

In or about summer 2003, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT THIRTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about summer 2003, in Newport News, Virginia, in the Eastern District of Virginia, the

defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT THIRTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

In or about fall 2003, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D), and Title 18, United States Code, Section 2.)

COUNT THIRTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about fall 2003, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT THIRTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

In or about fall 2003, in Newport News, Virginia, in the Eastern District of Virginia, the

defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT THIRTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

In or about winter 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D), and Title 18, United States Code, Section 2.)

COUNT FORTY

THE GRAND JURY FURTHER CHARGES THAT:

In or about winter 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, MARK ETHAN BUSH, did unlawfully, knowingly, and intentionally distribute approximately eight (8) pounds of a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.)

COUNT FORTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

In or about winter 2004, in Newport News, Virginia, in the Eastern District of Virginia, the

defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of psilocybin and psilocin, Schedule I controlled substances.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT FORTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2004, in the Eastern District of Virginia, the defendant, JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” did unlawfully, knowingly, and intentionally maintain a place at XXXXXXXXXXXX, Newport News, Virginia, for the purpose of distributing marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.)

COUNT FORTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BURT ANDERSON GRIMSLEY, JR., did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FORTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2004, in Newport News, Virginia, in the Eastern District of Virginia,

the defendant, WILLIAM LEE MILLER, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FORTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally possess with intent to distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FORTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully and knowingly use and carry a firearm, a Ruger, 9mm semiautomatic pistol, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, specifically, Possession with Intent to Distribute Cocaine, as prohibited by Title 21, United States Code, Section 841(a)(1), and defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” knowingly possessed said firearm in furtherance of said crime.

(In violation of Title 18, United States Code, Section 924(c)(1).)

COUNT FORTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2004, in the Eastern District of Virginia, the defendant, JEFFREY WAYNE CARROLL, a/k/a “Jeffro,” did unlawfully, knowingly, and intentionally maintain a place at XXXXXXXXXXXXX, Newport News, Virginia, for the purpose of distributing marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 856(a)(1), and Title 18, United States Code, Section 2.)

COUNT FORTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BURT ANDERSON GRIMSLEY, JR., did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FORTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, WILLIAM LEE MILLER, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FIFTY

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a "Kenny," did unlawfully, knowingly, and intentionally possess with intent to distribute approximately ten (10) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FIFTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, EDWARD CHO LEE, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FIFTY-TWO

THE GRAND JURY FURTHER CHARGES THAT:

In or about May 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully, knowingly, and intentionally distribute approximately one-eighth (1/8) of an ounce of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT FIFTY-THREE

THE GRAND JURY FURTHER CHARGES THAT:

In or about spring 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, BRIAN KENNETH KEMPTON, a/k/a “Kenny,” did unlawfully, knowingly, and intentionally distribute approximately one (1) pound of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FIFTY-FOUR

THE GRAND JURY FURTHER CHARGES THAT:

In or about June 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully, knowingly, and intentionally distribute approximately one-eighth (1/8) of an ounce of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT FIFTY-FIVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about June 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, EDWARD CHO LEE, did unlawfully, knowingly, and intentionally possess with intent to distribute approximately five (5) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).)

COUNT FIFTY-SIX

THE GRAND JURY FURTHER CHARGES THAT:

In or about summer 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully, knowingly, and intentionally distribute approximately one (1) ounce of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT FIFTY-SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about summer 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully and knowingly use and carry a firearm, a Ruger, 9mm semiautomatic pistol, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, specifically, Possession with Intent to Distribute Cocaine, as prohibited by Title 21, United States Code, Section 841(a)(1), and defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” knowingly possessed said firearm in furtherance of said crime.

(In violation of Title 18, United States Code, Section 924(c)(1).)

COUNT FIFTY-EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

In or about August 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully, knowingly, and intentionally distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT FIFTY-NINE

THE GRAND JURY FURTHER CHARGES THAT:

In or about August 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, EDWARD CHO LEE, did unlawfully, knowingly, and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT SIXTY

THE GRAND JURY FURTHER CHARGES THAT:

In or about September 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully, knowingly, and intentionally distribute approximately one-eighth (1/8) of an ounce of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT SIXTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

In or about September 2004, in Newport News, Virginia, in the Eastern District of Virginia, the defendant, JAMES WALTON DAVIDSON, a/k/a “Jimbo,” did unlawfully and knowingly use and carry a firearm, a Ruger, 9mm semiautomatic pistol, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, specifically, Conspiracy, as prohibited by Title 21, United States Code, Section 846, as set forth in Count One of this Indictment, and defendant JAMES WALTON DAVIDSON, a/k/a “Jimbo,” knowingly possessed said firearm in furtherance of said crime.

(In violation of Title 18, United States Code, Section 924(c)(1).)

FORFEITURE

Upon conviction of one or more of the controlled substance offenses in Counts 1-45, 47-56, and 58-60 of this Indictment, defendants MARK ETHAN BUSH, HARBOR EICHHORN MILES, JAMES WALTON DAVIDSON, a/k/a "Jimbo," BRIAN KENNETH KEMPTON, a/k/a "Kenny," EDWARD CHO LEE, JOSEPH TY GRASS, JEFFREY WAYNE CARROLL, a/k/a "Jeffro," WILLIAM LEE MILLER, and BURT ANDERSON GRIMSLEY, JR., shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation(s). If any forfeitable property, as a result of any act or omission of the defendant(s): (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.

United States v. MARK ETHAN BUSH, HARBOR EICHHORN MILES, JAMES WALTON
DAVIDSON, a/k/a "Jimbo," BRIAN KENNETH KEMPTON, a/k/a "Kenny," EDWARD CHO
LEE, JOSEPH TY GRASS, JEFFREY WAYNE CARROLL, a/k/a "Jeffro," WILLIAM LEE
MILLER, and BURT ANDERSON GRIMSLEY, JR.,

Criminal No.

A TRUE BILL:

FOREPERSON

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By: _____
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